IN THE HIGH COURT OF GUJARAT AT AHMEDABAD

CRIMINAL MISC.APPLICATION No. 3686 of 2007

For Approval and Signature:

HONOURABLE MR.JUSTICE D.H.WAGHELA Sd/-

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1 Whether Reporters of Local Papers may be allowed to see the judgment ?

2 To be referred to the Reporter or not ?

3 Whether their Lordships wish to see the fair copy of the judgment ?

4 Whether this case involves a substantial question of law as to the interpretation of the constitution of India, 1950 or any order made thereunder ?

5 Whether it is to be circulated to the civil judge ? **1 to 5 NO**

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HANIFABANU MOHAMMAD SULTAN MUSAFIR SHAIKH - Applicant(s)
Versus
STATE OF GUJARAT THRO' & 2 - Respondent(s)

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Appearance :
MR AJ YAGNIK for Applicant(s) : 1,
MR DIPEN DESAI ADDL PUBLIC PROSECUTOR for Respondent(s) : 1,
MR CHETAN B RAVAL for Respondent(s) : 2 - 3.

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CORAM : HONOURABLE MR.JUSTICE D.H.WAGHELA

Date : 19/09/2007

ORAL JUDGMENT :

1. The petitioner has approached this court under the provisions of sub-section (2) of section 439 of the Code of Criminal Procedure, 1973 (for short, "the Code") for cancellation of bail granted to respondents No.2 and 3 and for

setting aside order dated 14.2.2007 by which the application for similar purpose was rejected by learned Additional Sessions Judge, Court No.10, Ahmedabad.

2. without prejudice to the rights and contentions of the parties, learned A.P.P. conceded that, in case of any complaint or report of violation of any of the conditions of bail by any of the accused persons in Criminal Case No.214 of 2003 pending in the court of learned Metropolitan Magistrate, Ahmedabad, Police Inspector and learned Assistant Public Prosecutor concerned were required to apply for cancellation of bail and shall do that if and when the occasion arises, after verifying genuineness of the allegations about violation of condition. It was further fairly conceded that trial in the aforesaid criminal case was required to be conducted as far as practicable on day-to-day basis and in accordance with the provisions of section 309 of the Code. He, therefore, submitted that necessary instructions will be issued to learned A.P.P. concerned for expeditious hearing and disposal of the said criminal case and to apply for cancellation of bail of any of the accused persons in case hearing of the case was delayed on account of absence or non-availability

of such accused person. In view of pendency of the criminal case for almost four years after commission of the alleged offence in the year 2002, it would be appropriate that the trial court shall conduct and conclude proceedings of the case before it as expeditiously as practicable and preferably within a period of six months.

3. Upon the above statements being made and recorded, present petition was not pressed at this stage for any further relief and accordingly, the petition is disposed as not pressed and Rule is discharged with no order as to costs.

Sd/-

(D.H.Waghela, J.)

(KMG Thilake)